

REMARKS

This communication responds to the Final Office Action mailed on June 15, 2009.

Claims 1, 3, 7-8, 10, 12, 16, 18, 20 and 22 are amended, no claims are canceled, and no claims are added in this communication. As a result, claims 1-24 are now pending in this Application. It is noted that the amendments to claims 1, 3, 7-8, 10, 12, 16, 18, 20 and 22 have been made for reasons of clarity, and not for reasons related to patentability.

§102 Rejection of the Claims

Claims 1-24 were rejected under 35 U.S.C. §102(b) as being anticipated by Sacks (U.S. Publication No. 2002/0016765 A1, hereinafter "Sacks"). Applicants respectfully traverse the grounds for rejection for the reasons argued below.

Independent claims 1, 10, 18 and 22:

Applicants have amended the claims 1, 10, 18 and 22 to replace the term "**merchant web site**" by "**seller web site**". The amendments to these claims are fully supported by the Specification, and thus, no new matter has been added. Referring to paragraphs [0003] and [0020] of the Specification, it can be seen that the term "**merchants**" in the Application indicates **sellers** and the phrase "**merchant web sites**" indicates **seller web sites**.

[0003] The Internet has become the world's market place. **Merchants are increasingly selling products and services via various online commerce facilities such as merchant web sites, online auctions, etc.** On merchant web sites, products are typically sold using the "shopping cart" model that allows a customer to select an item from an electronic catalog and then metaphorically adds the selected item to a shopping cart..... (Emphasis added).

[0020] The merchant server 108 supports a **merchant web site that can be a retailer or wholesaler web site visited by various buyers** including the users of the clients 102..... (Emphasis added).

Applicants respectfully submit that Sacks fails to disclose the limitations of "**a virtual shopping cart hosted by a seller web site**", "**the shopping cart application being hosted by the seller web site**", and "**the seller web site being separate from an online payment service**" as recited in amended claim 1.

First, Sacks does not disclose a **virtual shopping cart being hosted by a seller web site that is separate from the online payment service** as claimed in amended independent claim 1.

In Sacks, the payment processor 106 (rather than seller 104 separate from payment processor 106) provides a shopping cart to track a buyer's purchases. Referring to FIG. 2 and corresponding text (paragraphs 0028 and 0034) of Sacks, payment processor 200 of Sacks includes database 210, which in turn stores buyer shopping carts. Thus, in contrast to amended claim 1, the shopping cart of Sacks is hosted by payment processor 106 (rather than by a website of seller 104). Paragraphs 0028 and 0034 of Sacks are reproduced below (with emphasis added):

“In another embodiment, payment processor 106 may provide a third-party shopping cart to track the buyer's purchases. Thus, in this embodiment, when a buyer's connection is redirected, the buyer may be presented with a shopping cart managed by the payment processor.” (Paragraph 0028 of Sacks)

“Database 210 stores various user information concerning buyers and sellers, such as account information, **buyer shopping carts**, HTML code for sellers, etc.” (Paragraph 0034 of Sacks)

Second, for at least the same reason stated above, Sacks also does not disclose **the shopping cart application being hosted by the seller web site that is separate from the online payment service** as claimed in amended independent claim 1.

Accordingly, Sacks does not disclose each and every element of amended independent claim 1. Sacks thus does not anticipate amended independent claim 1. The argument presented above with respect to amended independent claim 1 also applies to amended independent claims 10, 18 and 22, which have similar features to amended independent claim 1.

Claims 2-9, 11-17, 19-21 and 23-24 respectively depend on independent claims 1, 10, 18, or 22. For at least the reasons discussed above for amended independent claims 1, 10, 18 or 22, Applicants respectfully submit that Sacks does not anticipate these dependent claims either.

Applicants thus respectfully request the withdrawal and reconsideration of the rejection of claims 1-24 under 35 U.S.C. § 102(b).

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE

Serial Number: 10/791,156

Filing Date: March 1, 2004

Title: INTEGRATING THIRD PARTY SHOPPING CART APPLICATIONS WITH AN ONLINE PAYMENT SERVICE

Page 9
Dkt: 2043.011US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6900 to facilitate prosecution of this application. If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402-0938
(612) 373-6900

Date 15 September 2009

By *Jun Wei*

Jun Wei
Reg. No. 55,717

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of September, 2009.

Chris Bartl
Name

C. Bartl
Signature